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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,176	02/26/2002	Toshitaka Hasegawa	826.1796	2408

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EXAMINER	
PERVEEN, REHANA	
ART UNIT	**PAPER NUMBER**
2116	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,176	HASEGAWA, TOSHITAKA	
	Examiner	Art Unit	
	Rehana Perveen	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budnik et al, Patent No. EP 0499564A2, in view of Koenen, Publication No. US2003/0065961A1.

Budnik et al were cited as prior art in the previous office action.

As to claims 1 and 2, Budnik et al teach a plurality of information processing devices connected to a network (col. 3 lines 21-29), an arbitrary information processing

device of the plurality of information processing devices issuing a power-up instruction according to a predetermined power-up/power-down schedule (col. 3 line 18 – col. 4 line 42 and col. 7 lines 39-41, inherent for scheduled power-on time), instructing each of the information processing devices to perform a power-down process, notifying the information processing devices of a next power-up date and time, and having each of the plurality of information processing devices enter a next power-up date and time each time a power-down date and time comes (col. 4 lines 29-42), and each of the plurality of information processing devices performing a power-up process upon receipt of the power-up instruction or when the entered power-up date and time comes (figures 1 and 2).

However, Budnik et al does not expressly teach a power supply control device provided for each of the plurality of information processing devices, instructing each of the power supply control device to power-up or power-down.

Koenen expressly teach a power supply control device provided for each of a plurality of information processing devices (current monitoring devices 126, 128, and 130 for servers 112, 114, and 116, respectively, figure 1), and instructing each of the plurality of information processing devices to perform a power-up or a power-down process (abstract and page 3, claim 1, last paragraph).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Budnik et al and Koenen because Koenen's issuing of such instructions to control power of networked devices, when incorporated into Budnik et al, would have provided improved power management by balancing the overall power consumption of the system.

As to claims 3 and 4, Budnik et al teach the power-up date and time given to each of the devices is obtained by any of the information processing devices adding an arbitrary margin to a power-up date and time in the predetermined power-up/power-down schedule (abstract and col. 3 line 42 – col. 4 line 7).

As to claims 5 and 6, Budnik et al teach the arbitrary information processing device does not give the power-down instruction and the next power-up date and time before a power-down permission condition entered in advance of a current and other information processing devices is satisfied although the power-down date and time comes (col. 2 lines 26-30).

As to claims 7 and 8, Budnik et al teach the power-up instruction or the power-down instruction is sequentially issued at predetermined startup intervals or power-down intervals (col. 4 lines 37-42).

Claims 9-13 are directed to the method of system claims 1-8, claim 14 is directed to the computer readable medium of system claims 1 and 2, and claim 15 is directed to the computer data signal of system claims 1 and 2. Budnik et al and Koenen, in combination, teach the system as set forth in claims 1-8. Therefore, Budnik et al and Koenen, also in combination, teach the method as set forth in claims 9-13. Further, Budnik et al and Koenen, in combination, teach the computer readable medium claim as set forth in claim 14. Yet further, Budnik et al and Koenen, in combination, teach the computer data signal as set forth in claim 15.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. The following arguments have been presented for the previously cited reference, Budnik et al, (1) No description has been found regarding which computers connected via the network are subjected to power control according to the schedule; (2) the power off warning messages are not instructions and they are sent to users, not the devices; (3) no mention of the power supply control device has been found; (4) a person of ordinary skill in the art would not expect a power-down instruction to be issued since conventional network does not issue commands over the network to power down computers connected to the network; and (5) nothing has been found in the Budnik et al reference regarding the power-up process.

As to point (1), in response to the applicants' arguments, the examiner disagrees that no description has been found regarding which computers connected via the network are subjected to power control according to the schedule. In fact, it is clearly noted that the data processing system, including all computers, are subjected to power control according to the schedule (Budnik et al, col. 1 lines 1-5).

As to point (2), the examiner agrees that the powe-off warning messages are not instructions and they are sent to users, not the devices. However, these are not relied upon as providing the instructions. Budnik et al is performing this additional task of providing the messages to the user in addition to providing instructions for the devices to be powered on or powered off. Thus, applicants' argument is moot.

As to point (3), in response to applicants' argument that no mention of the power supply control device has been found in Budnik et al, the examiner agrees that Budnik et al does not expressly teach such power supply control device. However, Budnik et al implicitly teach such limitation. The examiner introduces a secondary reference, Koenen, which teaches clearly a power supply control device located within each of the plurality of information processing devices (current monitoring devices in each of the servers, figure 1).

As to point (4), the examiner disagrees that a person of ordinary skill in the art would not expect a power-down instruction to be issued since conventional network

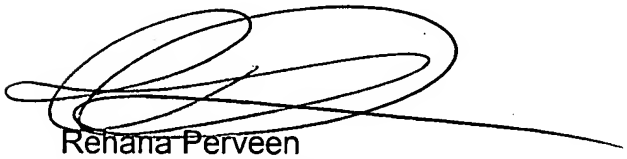
does not issue commands over the network to power down computers connected to the network. The examiner cites a secondary reference providing evidence that one of ordinary skill in the art would find it obvious to issue such instructions.

As to point (5), the examiner disagrees that nothing has been found in the Budnik et al reference regarding the power-up process. Budnik et al clearly teach the scheduled system ON/OFF times, which inherently implies a power-up process for the system ON time. At system ON time, power-up process starts and it must have been triggered by a command or instruction or an output signal to perform such system power ON process. Therefore, the applicants' arguments are moot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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